

**ZONING BOARD OF ADJUSTMENT  
MINUTES  
FEBRUARY 11, 2003  
(Approved as written 3/4/03)**

**PRESENT:** Forrest Esenwine, Chairman; Leon Methot; Jack Dearborn; Stuart Richmond;  
Naomi L. Bolton, Land Use Coordinator

**GUESTS:** Everett Stone, Code Enforcement Officer; Bill Drescher, Attorney.

**I. CALL TO ORDER:**

Chairman Forrest Esenwine called this meeting to order at the Weare Town Office Building at 7:30 PM and asked each member present to introduce themselves.

**II. PUBLIC HEARING:**

Leon Methot moved to enter into Non-Public Session at 7:32 PM with Town Counsel pursuant to RSA 91-A:3 II (e) to discuss the request for rehearing on:

Case #6602 Town of Weare-CEO (Everett Stone)

Administrative Appeal

Applicant is alleging that an error was made by the Board of Selectmen regarding the expansion of the Thibeault Corporation gravel permit without first receiving a special exception as required by the zoning ordinance.

Tax Map 409-104

Clough Park Road

Stuart Richmond seconded the motion. A roll call vote was taken: Esenwine-yes; Dearborn-yes; Methot-yes; Richmond-yes.

In attendance were: Chairman Esenwine; Leon Methot; Jack Dearborn; Stuart Richmond; Naomi Bolton, Land Use Coordinator, Everett Stone, Code Enforcement Officer and Bill Drescher, Town Counsel.

Leon Methot moved to exit the Non-Public Session at 9:17 PM, Stuart Richmond seconded the motion. A roll call vote was taken: Esenwine-yes; Dearborn-yes; Methot-yes; Richmond-yes.

### III. CASE DECISIONS:

Request for Rehearing:

Case #6602 Town of Weare-CEO (Everett Stone)

Administrative Appeal

Applicant is alleging that an error was made by the Board of Selectmen regarding the expansion of the Thibeault Corporation gravel permit without first receiving a special exception as required by the zoning ordinance.

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Leon Methot moved that the motion for rehearing raises a new issue not presented or considered by the ZBA at the prior hearing, namely, the question of whether this site is 'vested' or 'grandfathered' so as to be an 'existing excavation' within the meaning of RSA 155-E:2 (I) which would exempt the applicant for a requirement of a permit. Therefore the ZBA grants the applicant a rehearing limited to that question only and commends the applicant a rehearing limited to that question only and commends the applicant to be prepared to address compliance with the requirements set forth in RSA 155-E:2 I (b) and (d) (1-4), which governs the status of an 'existing excavation', Stuart Richmond seconded the motion. Unanimous vote in favor: Esenwine, Dearborn, Methot, Richmond.

### IV. OTHER BUSINESS:

REQUEST FOR EXTENSION ON PREVIOUSLY GRANTED VARIANCE ON CASE #0302-114 PONDVIEW ROAD: Forrest Esenwine moved to grant the extension of Case #0302 as requested, Leon Methot seconded the motion. Unanimous vote in favor: Esenwine, Dearborn, Methot, Richmond.

SEPTEMBER 26, 2002 MINUTES: Forrest Esenwine moved to approve the September 26, 2002 minutes as amended, Stuart Richmond seconded the motion, all in favor.

NOVEMBER 5, 2002 MINUTES: Forest Esenwine moved to approve the November 5, 2002 minutes as amended, Stuart Richmond seconded the motion, all in favor.

JANUARY 7, 2003 MINUTES: Forrest Esenwine moved to approve the January 7, 2003 minutes as written, Stuart Richmond seconded the motion, all in favor.

### V. ADJOURNMENT:

As there was no further business to come before the board, Forrest Esenwine moved to adjourn at 9:25 PM, Jack Dearborn seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton  
Land Use Coordinator